



March 19, 2021

**By Overnight Mail and Electronic Mail  
Confidential Business Information**

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U.S. Environmental Protection Agency  
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Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
4 Constitution Square  
150 M Street NE, Suite 2.900  
Washington, DC 20002  
Re: DOJ No. 90-5-2-1-09729

S. Shawn Sibley  
General Counsel  
Alabama Department of  
Environmental Management  
1300 Coliseum Boulevard  
Montgomery, Alabama 36110

Re: Force Majeure Notification

Ladies and Gentlemen:

In accordance with the Consent Decree between Continental Carbon Company (“CCC”) and the United States, the Oklahoma Department of Environmental Quality (“ODEQ”), and the State of Alabama and the Alabama Department of Environmental Management, Consent Decree, *United States et al. v. Continental Carbon Co.*, Case 5:15-cv-00290-F (W.D. Okla. May 7, 2015), *as amended* First Amendment to Consent Decree (May 25, 2018) (“Decree”), including Section XV and Paragraph 71 of the Decree, this letter provides written notice of a force majeure

event and potential noncompliance with obligations under the Decree as a result of the storm event that spanned several days in February and led to severe freezing conditions in Ponca City. The event forced our Ponca City plant to shut down due to actions taken by Oklahoma Natural Gas and local power outages impacting the area until 10:00 PM on Saturday February 20, 2021. It took some considerable time thereafter to access, evaluate, and test to assess the full impact of the storm on our plant, but we have determined that the storm caused significant damage to plant equipment, including equipment critical to our planned Air Quality Control System ("AQCS").

We will promptly provide supporting documentation, which we are compiling. However, the essential fact is that the storm damaged the following equipment that are critical to how we intend to operate the AQCS at Ponca City:

- Boiler lower economizer on AQCS Unit 1:

Our design has two control systems – AQCS Unit 1 and Unit 2. [REDACTED]  
[REDACTED] Each AQCS Unit has a lower economizer, [REDACTED]  
[REDACTED]

[REDACTED] After inspection and testing, we have learned that approximately 80% of the tube bundles in the AQCS Unit 1 lower economizer cracked due to the freezing conditions, and as a result, the economizer will need to be replaced or require extensive in-place tube bundle replacements. In the meantime, it is out of service. [REDACTED]  
[REDACTED]

[REDACTED] We are currently exploring two options. First, we have contacted our economizer supplier in China and are waiting on a firm price and availability of replacement equipment. At present, the supplier has estimated it will take [REDACTED] to deliver the equipment to the US. Second, we have contacted the construction firm (Hurst Construction) who has assisted us with our AQCS effort [REDACTED]  
[REDACTED]

[REDACTED] Either option is further complicated by the location of the lower [REDACTED]  
[REDACTED]

- Boiler feedwater pumps

Our AQCS has [REDACTED] boiler feedwater pumps, [REDACTED]  
[REDACTED]

- After inspection and testing, we learned that water inlet housing on one feedwater pump has been fractured due to the freezing of the water in the equipment. Inspection

also revealed that a second pump has issues with seals and related internal components. [REDACTED].

[REDACTED]

- Humidification pumps to the SCR system

[REDACTED] The humidification pumps cool the exhaust gases from the boiler before the gases enter the dry scrubber.

- [REDACTED] humidification pumps froze due to the severe weather and without water flow, suffered major damage. [REDACTED]

[REDACTED] However, we were told that the new pumps would be a minimum ten-to-twelve-week lead time due to limited part availability in light of the COVID-19 pandemic, and chose the more costly repair option to expedite the work.

- [REDACTED]

- Tube bundle on AQCS Unit 2 vacuum skid condensate return system

[REDACTED] Tubes separated from the tube sheet due to freezing conditions. These tubes have been repaired in a local shop and reinstalled on March 12 [REDACTED]

We will provide you with more information regarding how the effects of this extraordinary storm event will impact our ability to meet deadlines under the Decree. Of course, should you have any questions, please contact me at (281) 647-3841 or [dhentu@continentalcarbon.com](mailto:dhentu@continentalcarbon.com).

Sincerely,

Dennis Hetu  
President, Continental Carbon Company

March 19, 2021

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cc: Sam Boxerman, Sidley Austin (by email)  
Jason Dunn, DOJ (by email)  
Gregory Fried, EPA (by email)  
Patrick Foley, EPA (by email)  
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